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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,627	03/06/2002	Bas Ording	P2349-506	4921

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/090,627

**Applicant(s)**

ORDING, BAS

**Examiner**

Mylinh Tran

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's Amendment filed 01/06/05 has been entered and carefully considered. Claims 1, 14 and 23 have been amended. However, limitations of amended claims have not been found to be patentable over prior art of record and newly discovered prior art; therefore, claims 1-23 are rejected under the new ground of rejection as set forth below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 14-17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppolu [US. 5,706,458] in view of Ubillos [5,999,173].

As to claims 1, 14 and 23, Koppolu teaches a computer implemented method and corresponding apparatus for providing an aesthetically pleasing transition between two or more menu bars comprising the steps/means for determining to change from a first menu bar currently displayed (column 4, lines 52-65, container menu bar is a first menu bar); updating a computer display to display a second menu bar in place of the first menu bar (column 12, lines 31-41, a final merged menu is a second menu bar).

Koppolu fails to clearly teach rendering animation graphics to animate the transition between the first and second menu bars such that the difference

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between the first menu bar and the second menu bare are apparent. However, in the same field of information transition, Ubillos teach feature at column 2, lines 55-60 and column 12, lines 24-36. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the Ubillos's teaching to Koppolu for rendering animation graphics to animate the transition between the first and second menu bars. Motivation of combining would have been to present users with visual notification that the menu bar options have changed.

As to claims 2 and 15, Koppolu teaches detecting a triggering event; wherein the step of determining is performed in response to the detected triggering event (column 5, lines 25-42).

As to claims 3 and 16, Koppolu shows the triggering event comprising a user initiated event (column 8, line 46 through column 9, line 5).

As to claim 4, it would have bee inherent that a user uses a mouse click for the triggering event.

As to claim 5 and 8, Koppolu shows the triggering event performing the step of changing which application is currently active in the computer operating system (column 4, lines 52-67).

As to claims 6-7 and 17, Koppolu also shows the step of changing comprising opening and quitting an application (column 4, lines 63-67).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppolu [US. 5,706,458] in view of Ubillos [5,999,173] and further in view of Cohen et al. [5,359,712].

As to claims 9 and 18, the combination of Koppolu and Ubilos fail to clearly teach the animation graphics comprising rotation animation graphics. However, in the same field of the invention, Cohen et al. shows the feature at column 43, lines 3-35. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Koppolu and Ubilos with Cohen for rotation animation graphics. Motivation of combining would have been to present users with visual notification that the menu bar options have changed.

As to claims 10 and 19, the combination of Koppolu and Ubilos fails to clearly teach the animation graphics comprising scrolling animation graphics. However, Cohen et al. shows the feature at column 41, lines 25-40. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Koppolu and Ubilos with Cohen for scrolling animation graphics. Motivation of the combining is to present users with visual notification that the menu bar options have changed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppolu [US. 5,706,458] in view of Ubillos [5,999,173] and further in view of Clanton, III [US. 5,745,710].

As to claims 11-13 and 20-22, the combination of Koppolu and Ubillos fail to clearly teach that animation graphics comprising three-dimensional animation graphics, the three-dimensional animation graphics comprising animation graphics utilizing gray scales and the three-dimensional animation graphics utilize gray scale to virtual lighting effect. However, in the same field of the invention, Clanton, III shows the animation graphics comprising three-dimensional animation graphics at column 8, lines 20-36, the three-dimensional animation graphics comprising animation graphics utilizing gray scales at column 10, lines 26-53, and the three-dimensional animation graphics utilize gray scale to virtual lighting effect at column 9, line 53 through column 10, line 26. It would have been obvious to one of skill in the art, to combine the teaching of Koppolu and Ubillos with Clanton for animation graphics to Clanton, III. Motivation of the combining is achieve varying affects.

### **Response to Arguments**

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at 571-272-4136.

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The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4141 (use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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**BA HUYNH**  
**PRIMARY EXAMINER**